

REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated February 27, 2007 ("Final Office Action"). Claims 1, 2, 4-17, 19-32, and 34-37 are pending in the Application. The Examiner rejected Claims 1, 2, 4-17, 19-32, and 34-47. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Applicants' 37 C.F.R. § 1.131 Declaration

The Code of Federal Regulations permits an inventor to "submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based." 37 C.F.R. § 1.131. With respect to the requirements of the declaration, the M.P.E.P. states that the "affidavit or declaration must establish possession of either the whole invention claimed or something falling within the claim (such as a species of a claimed genus), in the sense that the claim as a whole reads on it." M.P.E.P. § 715.02 (citing *In re Tanczyn*, 347 F.2d 830, 146 U.S.P.Q. 298 (CCPA 1965)). According to the M.P.E.P., "[i]f the affidavit contains facts showing a completion of the invention commensurate with the extent of the invention as claimed is shown in the reference or activity, the affidavit or declaration is sufficient, whether or not it is a showing of the identical disclosure of the reference or the identical subject matter involved in the activity." M.P.E.P. § 715.02 (citing *In re Wakefield*, 422 F.2d 897, 164 U.S.P.Q. 636 (CCPA 1970)).

Concurrently with the previous Response to Office Action submitted on November 16, 2006, Applicants filed a declaration according to 37 C.F.R. § 1.131 that sets forth facts that clearly establish an actual reduction to practice of at least the independent claims prior to September 13, 2000 (the "Effective Date" of U.S. Patent No. 6,963,573 issued to Cain et al. ("*Cain*")). The declaration included three exhibits that showed Applicants' possession of either the whole invention claimed or something falling within the claim, as required by M.P.E.P. § 715.02. The submission and modification dates of the exhibits were redacted as is

allowed by M.P.E.P. § 715.07. For the Examiner's convenience, Applicants attach a copy of the declaration and accompanying exhibits to this Response to Final Office Action.

Exhibit A includes a first disclosure document disclosing certain aspects of the subject matter of the Application, which existed prior to the Effective Date. Specifically, Exhibit A includes an "Engineering Information Notice" describing "the network architecture required to provide low to medium bandwidth multicast video service over xDSL." (*Exhibit A*, page 1). The following excerpts provide exemplary demonstration of Applicants' possession of either the whole invention claimed or something falling within the claim: pages 18-36; page 39; page 50.

Exhibit B includes a second disclosure document disclosing certain aspects of the subject matter of the Application, which existed prior to the Effective Date of the *Cain* reference. Specifically, Exhibit B includes an Invention Disclosure Form submitted by the inventors of this Application for consideration by Cisco employees in determining whether to proceed with the filing of a patent Application. The following excerpts provide exemplary demonstration of Applicants' possession of either the whole invention claimed or something falling within the claim: page 4 ("Summary"); page 5 ("Advantages"); page 5 ("Cisco Use").

Exhibit C includes an agenda for an executive briefing that included the Program's demonstration, which occurred prior to the Effective Date of the *Cain* reference. Applicants direct the Examiner to page 2 of the document. It is shown that at 11:30 AM to 12:30 PM a demonstration was given of "Multicast Authentication."

Section 112 Rejection

The Examiner rejects Claims 1-2, 4-17, 19-32, and 34-47 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the claims contain subject matter not described in the specification. *Final Office Action*, p. 3. The Examiner acknowledges that he has found support for a plurality of requests in the sections cited in the prior Response to Office Action submitted on November 16, 2006. *Final Office*

Action, p. 2. The Examiner further states, however, that the Examiner has not found support for a “plurality of customer premises” in any of the cited sections.

As stated in the previous Response to Office Action, the following excerpts provide exemplary support in compliance with the written description requirement for the phrase “operable to authenticate a plurality of requests received from a plurality of customer premise systems”: page 12, lines 11-14; page 14, line 13 – page 15, line 13; page 17, lines 11-31. For further exemplary support for the phrase “a plurality of customer premise systems,” Applicants direct the Examiner to page 11, line 30 through page 12, 1 of Applicants’ Specification. That portion of the Specification states “[t]he access network 18 includes an access router 60 coupled to the core network and a plurality of digital subscriber line access multiplexers (DSLAM) 62 coupled between the access router 60 and the end user systems 20.” Applicants also direct the Examiner to page 11, lines 19-22, which states that “[t]he end user systems 20 each include customer premise equipment (CPE) 70 and one or more host 72, which may be personal computers or other suitable computing devices.” Accordingly, Applicants submit that the claims as written comply with 35 U.S.C. § 112, first paragraph.

For at least these reasons, Applicants respectfully request reconsideration of Claims 1-2, 4-17, 19-32, and 34-47.

Section 102 Rejection

The Examiner rejects Claims 1, 2, 4, 5, 13, 14, 16, 17, 19, 20, 28, 29, 31, 32, 34, 35, 43, 44, and 46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,963,573 issued to Cain et al. (“*Cain*”). Applicants attach a declaration according to 37 C.F.R. § 1.131 that sets forth facts that clearly establish an actual reduction to practice of at least the independent claims prior to the effective date of *Cain*. Because *Cain* is not available as a reference, Applicants respectfully request reconsideration and allowance of the pending claims.

Section 103 Rejections

The Examiner rejects Claims 6, 7, 21, 22, 36, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,219,790 B1 issued to Lloyd et al. ("*Lloyd*"). The Examiner rejects Claims 8, 23, and 38 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,466,571 B1 issued to Dynarski et al. ("*Dynarski*"). The Examiner rejects Claims 9, 24, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,718,387 B1 issued to Gupta et al. ("*Gupta*"). The Examiner rejects Claims 10-12, 25-27, and 40-42 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,026,441 issued to Ronen ("*Ronen*"). The Examiner rejects Claims 15, 30, and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 5,671,225 issued to Hooper et al. ("*Hooper*"). The Examiner rejects Claim 47 under 35 U.S.C. § 103(a) as being unpatentable over *Cain* in view of *Ronen*.

Applicants may overcome a 35 U.S.C. § 103 rejection "by showing completion of the invention . . . prior to the effective date of any of the references." M.P.E.P. § 715.02. The Examiner relies on *Cain* in combination with various combinations of five other references as the basis to reject Applicants' claims under 35 U.S.C. § 103(a). As discussed above, Applicants attach a declaration according to 37 C.F.R. § 1.131 that sets forth facts that clearly establish an actual reduction to practice of at least the independent claims prior to the effective date of *Cain*. Because *Cain* is not available as a reference, Applicants respectfully request reconsideration and allowance of the pending claims.

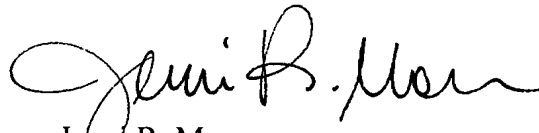
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons, and for other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicants, at the Examiner's convenience at (214) 953-6809.

Applicants do not believe any fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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Date: April 27, 2007

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